

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEARNING ANNEX HOLDINGS, LLC,
LEARNING ANNEX, LLC, and
LEARNING ANNEX, L.P.,

Plaintiffs,

v.

RICH GLOBAL, LLC and
CASHFLOW TECHNOLOGIES, INC.,

Defendants.

09 Civ. 4432 (SAS) (GWG)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motions *in Limine* and the Declaration of John H. Longwell, and pursuant to the Court's instructions during the January 25, 2012 hearing setting March 23, 2012 as the date for filing of motions *in limine*, Defendant, by its undersigned counsel, respectfully moves the Court as follows:

1. Pursuant to Federal Rules of Evidence 702 and 703 to exclude the testimony of Seth Matlins, the putative expert proffered by Plaintiffs, on the grounds that (1) he is unqualified to provide expert opinions on the role and compensation of licensing agents and (2) his opinions are based on improper factual assumptions;
2. Pursuant to Federal Rules of Evidence 401, 402, and 403 to exclude evidence of or reference to allegedly improper conduct by Defendant in the termination of its relationship with Plaintiffs.

3. Pursuant to Federal Rules of Evidence 401, 402, and 403 to exclude any evidence of or reference to Plaintiffs' expectation of participating in the free seminar venture or sharing in its revenues;
4. Pursuant to Federal Rules of Evidence 401, 402, and 403 to exclude any evidence of or reference to services either not performed by Plaintiffs or for which the first jury rejected liability;
5. Pursuant to Federal Rules of Evidence 401, 402, and 403 to exclude any evidence of or reference to the parties' September 7, 2005 memorandum of understanding.

Dated: March 23, 2012

Respectfully submitted,

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

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